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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,688

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Richard Paul Miller

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65885

7590

06/25/2008

MCNEES WALLACE & NURICK LLC

100 PINE ST.

P.O. BOX 1166

HARRISBURG, PA 17108-1166

EXAMINER

BUTLER, PATRICK NEAL

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/805,688

## Applicant(s)

MILLER ET AL.

## Examiner

Patrick Butler

## Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 14-20, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 14-20, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 30 and 31 is withdrawn in view of the newly discovered reference(s) to Ernest (US Patent No. 4,816,103) and Serafini (International Publication No. WO 02/095157 A1). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11, 14-16, 18-20, 30, and 31 rejected under 35 U.S.C. 102(b) as being anticipated by Ernest (US Patent No. 4,816,103).

With respect to Claims 1, 30, and 31, Ernest teaches a press with upper and lower mold platens 18 and 20, with each mold section having a resilient silicone rubber resistance heater 32 (an upper platen and a heated lower platen that are selectable movable toward and away from each other for conformally but nondeformably receiving a vessel therebetween; wherein the heated lower platen heats a portion of the vessel to at least a predetermined temperature; wherein the heated lower platen heats a portion of the vessel to at least a predetermined temperature) (see col. 4, lines 1-16), for curving wood, composites, or veneers (an air handling unit vessel) (see col. 1, lines 5-13). The upper mold platen is an upper hinged mold platen assembly of upper

corrugated mold platens 20a,b,c,d with hinges fastened on either side (wherein the upper platen comprises at least two movable portions that are hingedly connected; an upper platen comprising at least two movable portions; one of the at least two movable portions may be rotated independently of the remaining portions of the at least two movable portions) (see col. 5, lines 45-63). Since the press is capable of being used by filling the pressed material, it meets the use limitations of the claim (so that vessel surfaces in conformal contact with the upper platen and the lower platen remain substantially undeformed while the vessel is filled with a pressurized material).

With respect to Claims 2-4 and 8, Ernest teaches a press for curving wood, composites, or veneers (see col. 1, lines 5-13), which would enable the press to be used for the claimed use limitations of the press.

With respect to Claims 6, 7, and 9-11, Ernest teaches each mold section having a resilient silicone rubber resistance heater 32 (wherein the heated lower platen is heated by heated fluid; heated by heating elements) (see col. 4, lines 1-16).

With respect to Claims 14, the upper mold platen is an upper hinged mold platen assembly of upper corrugated mold platens 20a,b,c,d with hinges fastened on either side (wherein one of the at least two movable portions may be rotated independently of the remaining portions of the at least two movable portions) (see col. 5, lines 45-63).

With respect to Claims 15 and 16, Ernest teaches that the mold platens have aligned curves (where in graduated indicator having at least one graduated indication corresponding to a feature of the vessel is used to position the at least two movable

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portions; wherein the feature of the vessel is the length of the vessel) (see col. 4, lines 25-31).

With respect to Claims 18-20, Ernest teaches using retraction cylinders 6, piston rods 25, and double convoluted pneumatic actuators 4 to control the platens' position and necessarily their relative rotation to each other about their hinges (see further comprising at least one device associated with a hinged connection to selectively prevent rotational movement in a predetermined direction of one of the at least two movable portions; where the at least one device is a cam; activated by an activator) (see col. 3, lines 33-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ernest (US Patent No. 4,816,103) as applied to Claim 1 above, and further in view of Serafini (International Publication No. WO 02/095157 A1).

With respect to Claim 17, Ernest teaches a press as recited above but does not expressly teach that the press further comprises a plurality of rollers extending through the lower platen for receiving the vessel between the upper platen and the lower platen.

Serafini teaches incorporating rollers into the lower portion of a mold in order to convert to rolling friction the friction of moving the shaped material within the mold (see

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page 4, lines 4-22 and figs. 3 and 4). The rollers are within the generatrix of the curve, which would necessarily extend them through the lower platen.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Serafini's rollers in the mold of Ernest in order to minimize friction (see Serafini, page 4, lines 4-22).

### ***Response to Arguments***

Applicant's arguments filed 26 March 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to the 35 USC 112 rejections. Applicant's arguments appear to be on the grounds that:

1) The rollers extending through the lower platen is clearly requiring the rollers to be within the lower platen.

Applicant argues with respect to the 35 USC 103(a) rejections. Applicant's arguments appear to be on the grounds that:

2) As the allowable subject matter of previous Claim 13 has been incorporated into Claim 1, the rejection over Nakagawa is moot.

The Applicant's arguments are addressed as follows:

1) Applicant's arguments with respect to the 35 USC 112 rejections have been fully considered and are persuasive. The 35 USC 112 rejection of Claim 17 has been withdrawn.

2) As recited above, the indicated allowability of claims 30 and 31 is withdrawn in view of the newly discovered reference(s) to Ernest (US Patent No. 4,816,103) and Serafini (International Publication No. WO 02/095157 A1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-8517. The examiner can normally be reached on Mon.-Thu. 7:30 a.m.-5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. B./

Examiner, Art Unit 1791

/Monica A Huson/

Primary Examiner, Art Unit 1791